

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 3/2/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GUADALUPE JIMINEZ, *individually and on
behalf of other similarly situated,*

Plaintiff,

-v -

COFACI FOODS INC. DBA BORINQUEN
SUPER MARKET; LILLIAN CASTILLO,

Defendants.

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GREGORY H. WOODS, United States District Judge:

1:21-cv-8620-GHW

ORDER

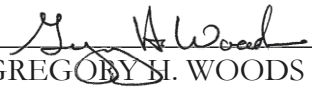
A show-cause hearing on Plaintiff's request for default judgment was previously scheduled in this case for tomorrow, March 3, 2023. Dkt. No. 60. In reviewing the record in anticipation of tomorrow's hearing, the Court observed that the proposed Clerk's certificate of default includes the wrong name of Defendant Lillian Castillo, instead stating "Lillian Castro." Dkt. No. 39. Most likely as a result, the Clerk's certificate of default also included the wrong name. Dkt. No. 40. Therefore, "as a formal matter, the Clerk of the Court has not actually certified that the Defendants in this case were served with process." *See Gold Medal Produce Inc. v. Ricosu Tropical Prod., Inc.*, No. 09 Civ. 9858 (CM) (RLE), 2010 WL 2267728, at *3 (S.D.N.Y. May 28, 2010). Plaintiff must therefore obtain a new certificate of default.

Accordingly, the Court VACATES the February 7, 2023 order to show cause, Dkt. No. 60, and adjourns the hearing scheduled for March 3, 2023, sine die. Plaintiff should notify the Court when she has obtained a new default certificate and submit a new proposed order to show cause. The Court will then schedule a new date for the show-cause hearing.

Plaintiff is directed to serve a copy of this order on all Defendants in this action and to retain proof of service.

SO ORDERED.

Dated: March 2, 2023
New York, New York



GREGORY H. WOODS
United States District Judge